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<b>Addressing</b>			
<b>From</b>		<b>To</b>	
Steven Neugeboren/DC/USEPA/US		karyn wendelowski	
<b>CC</b>		<b>BCC</b>	
<b>Description</b>			Form Used: Memo
<b>Subject</b>		<b>Date/Time</b>	
Fw: ECP List Public Comment Summary		09/30/2009 02:01 PM	
<b># of Attachments</b>	<b>Total Bytes</b>	<b>NPM</b>	<b>Contributor</b>
1	36,188		Steven Neugeboren
<b>Processing</b>			
<b>Comments</b>			
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<b>Release</b>			
			<input type="checkbox"/> Printed
<input type="text"/> Clear MARKER			
<input type="radio"/> Round01 <input type="radio"/> NA <input checked="" type="radio"/> Round02			

Body

### Document Body

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Sent by EPA Wireless E-Mail Services  
David Evans

----- Original Message -----  
**From:** David Evans  
**Sent:** 09/30/2009 01:03 PM EDT  
**To:** Ann Campbell; Bharat Mathur; Bob Sussman; Brian Frazer; Brian Topping; Christopher Hunter; Gregory Peck; Jeffrey Lapp; Jim Giattina; Jim Newsom; John Forren; John Pomponio; Kevin Minoli; Kevin Pierard; Peter Silva; Philip Mancusi-Ungaro; Robert Wood; Samantha Beers; Stan Meiburg; Stefania Shamet; Steven Neugeboren; Suzanne Schwartz; Timothy Landers; Tinka Hyde; Tom Laverty; Tom Welborn; Wendy Melgin; William Early; Susan Bromm; Robert Hargrove  
**Subject:** ECP List Public Comment Summary  
 I had meant to circulate this last evening, and just realizing now that I didn't.

Dave



Mining\_ECP\_Public Comments\_Summary.doc

David Evans, Director  
Wetlands Division  
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## **Appalachian Surface Coal Mining Public Comments Received on Initial Enhanced Coordination Procedures (ECP) List**

**General Summary:** On September 11, 2009 EPA announced that 79 proposed surface coal-mining projects in Appalachian states have been preliminarily identified for further, detailed reviews of their pending permits. This announcement triggered a 14 day public availability of this initial list in which interested stakeholders could submit comments to the EPA Docket. Below are some summary statistics from the review of the comments submitted.

- Overall, 99% of the comments received indicated support for EPA's action.
- As of September 28, approximately 150 written comments had been received.
- In addition, approximately 1,181 comments were received as identical form letters.
- Approximately 13 comments were individual submissions which provided specific information on the permits or the environmental condition in an affected area.
- 2 mining companies submitted comments regarding one or more of their projects on the initial ECP list.
- The Governors of Kentucky and Ohio submitted letters to the Administrator.
- 42% of the comments submitted included information indicating that the commenter resides in one of the Appalachian States, as defined in the MOU.

**General Summary of Comments Supportive of EPA's Action:** Overall, 99% of the comments received indicated support for EPA's action. These comments thanked EPA for stopping these permits from moving forward. The vast majority of these comments also urged EPA to stop mountaintop removal/valley fill operations from being permitted. To this end, some of the comments urged EPA to change the definition of fill material under the regulations to prohibit this activity.

**Summary of Comments Received from Environmental Groups:** A coalition of environmental groups, including Earthjustice and Sierra Club, submitted comments expressing their support for EPA's action and urging the Agency to utilize its authorities to the fullest extent. This coalition expressed 3 main concerns with the proposals: 1) direct loss of streams, 2) adverse impacts to downstream water quality due to the loss of headwater functions and, 3) adverse impacts to downstream water quality due to pollutant loading. These comments stressed the importance of considering past impacts associated with mining in the region and environmental justice as the Agency proceeds in its decision-making. Attached to the comments are the Margaret Palmer study, a transcript of expert testimony in the matter of *OVEC v. Corps* (2006), information on selenium impacts in the affected areas, a list of permits for which the environmental groups have submitted comments, and a selection of comments on those permits.

**Summary of Comments Received from Mining Companies:** Two mining companies with proposals on the initial ECP list, Atlantic Leaseco and Ohio American Energy, submitted comments arguing that EPA should remove their proposals from the initial list and therefore from further consideration under the ECP. Both companies argue that their proposal is not a mountaintop removal operation, identifying the operations as either contour or auger mining, and do not implicate one of the 4 concerns identified by EPA and as such should not be subject to further evaluation by EPA. Both letters explained how their proposals address the 4 concerns identified by EPA. Ohio American Energy stated in their comment letter that they would soon submit a revised mine plan with stream impacts reduced by 689 lf.

**Summary of Communications from Governors Strickland (OH) and Beshear (KY):** Both letters expressed understanding of EPA's role in ensuring environmental protection and the need for compliance with the relevant laws and regulations. Both letters also stressed the importance of considering of jobs and the state economy in the decision-making process and urged the Agency to move forward without delay to evaluate these proposals.